

Remarks

Applicants previously canceled Claims 13, 14, 16, 17, 25, 37, 41, and 43 in the Preliminary Amendment filed on February 8, 2005. Applicants have amended Claim 26 herein to incorporate the method of Claim 1, from which Claim 26 depends.


Responsive to the Restriction Requirement mailed May 4, 2007, Applicants provisionally elect with traverse Group II which encompasses Claims 26, 36, 38-40, 42, and 44-53, drawn to a neural cell. The restriction requirement is respectfully traversed on the basis that the examination of each of the groups of claims, and of each species within Group II, would not be a serious burden on the Patent Office because of their close technological relationship. In order for a restriction requirement to be appropriate, there must be a serious burden on the Patent Office to search all of the inventions, and the inventions must be independent or distinct as claimed. Applicant respectfully submits that searching each of Groups I-III in the present application would not be a serious burden on the Patent Office. Each group relates to human neural cells. The claims of Group II are directed to the neural cell; the claims of Group I are directed to methods of producing the neural cell; and the claims of Group III are directed to methods of using the neural cell. Should the restriction requirement be maintained, Applicants note that upon allowance of the claims directed to the elected invention, Applicants are entitled to rejoinder of the claims directed to the non-elected invention of Groups I and III. MPEP § 821.04(b).

Applicants further provisionally elect with traverse the species of GABAnergic neurons. The requirement for election of a single species of neurotransmitter phenotype or neural cell type is traversed on the basis that examination of the claims of Group II as they relate to each neural

cell would not place a serious burden on the Patent Office because of their close technological relationship and sufficiently small number. MPEP § 803.02. Should the requirement for the election of species be maintained, however, Applicants note that upon the allowance of a generic claim, Applicants are entitled to consideration of the claims as they are directed to the non-elected species which are written in dependent form or otherwise include the limitations of the allowed generic claim. 37 C.F.R. § 1.141.

For the foregoing reasons, Applicants respectfully elect with traverse Group II (Claims 26, 36, 38-40, 42, and 44-53) and the species of GABAnergic neurons. The foregoing is submitted as a full and complete response to the Restriction Requirement mailed May 4, 2007. If there are any issues which can be resolved by telephone conference, the Examiner is invited to call the undersigned attorney at (404) 853-8000. No fees are believed to be due; however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-5029.

Respectfully submitted,



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